

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 22 2013

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

David Earl Wattleton,)
)
Plaintiff,)
)
v.)
)
United States Supreme Court,)
)
Defendant.)

Civil Action No.

13 0228

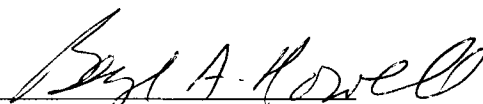
MEMORANDUM OPINION

This action is before the Court on its initial review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of an action "at any time" the Court determines that it lacks subject matter jurisdiction).

Plaintiff, a prisoner at the Federal Medical Center in Rochester, Minnesota, seeks an order from this Court "declaring Supreme Court Rule 39.8, with respect to case no. 12-7476, violates [plaintiff's] right of access to the courts, right to due process of law, and right to equal protection" and "enjoining the Supreme Court to deny the petition." Compl. at 1; *see Wattleton v. USDC ND GA*, No. 12-7476, --- S.Ct. ---, 2013 WL 215688 (Jan. 22, 2013) (denying plaintiff's application for leave to proceed *in forma pauperis* based on his "repeat[ed] abuse[]" of that Court's process and dismissing petition for a writ of certiorari). This Court lacks jurisdiction to review the decisions of the United States Supreme Court. *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992); *see Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444

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U.S. 1081 (1980) ("It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action."). Therefore, this case will be dismissed with prejudice. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: February 11, 2013